

Frequently Asked Questions Accessory Dwelling Unit Zoning Amendments

Why is the zoning amendment to allow accessory dwelling units important to Arlington? Accessory dwelling units provide opportunities to accommodate a family member or an unrelated renter in a smaller unit wholly-contained within an existing single-family home. The [2016 Housing Production Plan](#) recommends amending the Zoning Bylaw to facilitate a range of housing types. In recent years, very few new housing options have been created in the community leading to a lack of housing diversity. This type of housing would not change the architectural integrity and neighborhood open space available because the accessory dwelling unit would be contained within an existing single-family home.

How will allowing accessory dwelling units address this problem? Accessory dwelling units would help create more housing options for a range of demographics in the community, such as seniors, multi-generational households, individuals with disabilities, lower income households, and singles, as well as potentially create an income stream for the primary homeowner. By allowing these types of units within existing single-family homes subject to certain restrictions, the amendments can create more housing options for a range of households.

What are the proposed amendments? The amendments described in [Article 15](#) include the following:

1. A definition for accessory dwelling units as wholly-contained within a single-family home. The accessory unit is subordinate, physically separated from the primary residence, has its own kitchen and bathroom, and two means of egress;
2. Allows the use in only the R0 and R1 zoning districts;
3. Requires the primary dwelling to be owner-occupied without extended absences; and
4. Establishes procedures for approval of an accessory dwelling unit with a special permit from the Zoning Board of Appeals (ZBA); and
5. Addresses the sale of single-family homes with an accessory dwelling unit.

What is the review process for an accessory dwelling unit? Applicants who would like to add an accessory dwelling unit to their existing single-family home must seek a special permit from the ZBA. This is a public review process and owners of properties located within 300 feet of any proposed accessory dwelling unit are notified when there is a public hearing.

What criteria will a homeowner need to follow to create an accessory dwelling unit? It is important for homeowners to understand the following requirements and procedures:

- General Requirements
 - The lot area shall be at least the minimum required;
 - The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling and cannot exceed 750 square feet;
 - The accessory dwelling unit must be contained within the gross floor area of the dwelling existing at the time of the permit application, except for the addition of a second means of egress or other modification to meet the State Building Code;
 - The owner(s) of the structure in which the accessory dwelling unit is located must occupy one of the dwelling units as their primary residence, except for temporary absences of no more than three months in any 60-month period;
 - No additional off-street parking spaces are required;
 - The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
 - The minimum occupancy or rental term shall be 90 days.
- Procedures:
 - A special permit is required from the ZBA;
 - A certificate of occupancy for the accessory dwelling unit is required; and
 - A notarized affidavit must be submitted indicating that the property owner lives in the other unit as their primary residence.

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What happens if a single-family home with an accessory dwelling unit is sold? When a single-family home containing an accessory dwelling unit is sold, the special permit for that accessory dwelling unit will remain valid. However, the new property owner must demonstrate that all requirements of the Zoning Bylaw continue to be met and that the new property owner submits a notarized affidavit that he or she intends to occupy one of the units as the primary residence.

The ARB referred this warrant article to the Residential Study Group for feedback. The [Residential Study Group](#) is a sub-committee of the [Master Plan Implementation Committee](#) (MPIC). The MPIC was formed to direct and facilitate the goals of the [Master Plan](#), and has a number of sub-committees that are tasked with specific items to implement the Plan. The Residential Study Group is particularly interested in the integrity of established low-density residential neighborhoods in Arlington, and will be providing valuable feedback to the ARB in advance of the public hearing.

Accessory dwelling units would only be allowed in the R0 and R1 District by Special Permit. The accessory dwelling unit must be entirely contained in a single-family home and cannot be located in any detached structure on the same lot. The single-family home must be the primary residence of the homeowner as well.

Not sure which zoning district you are in? You can find your zoning district by searching your address in the [online Property Search](#).

How can I learn more? The Arlington Redevelopment Board will hold hearings on all of the zoning articles on the Town Meeting Warrant on Mondays in March: March 4, March 11, March 18, and March 25. The public hearings will be held in the Senior Center, 27 Maple Street, beginning at 7:30 PM. It is anticipated that the amendments related to multi-family and mixed-use will begin on March 11. Informal office hours will be held on Thursdays, March 14 and March 21, 5 PM-7 PM, in the Town Hall Annex First Floor Conference Room. Finally, the DPCD will also hold neighborhood meetings tentatively scheduled for March 28 at Peirce School, April 3 at Thompson School, April 4 at Hardy School, and April 10 at Brackett School, all beginning at 7 PM. These dates are still pending confirmation from the School Department.